



CITY OF
PORTLAND, OREGON
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January 26, 2021

Honorable Michael H. Simon
Mark O. Hatfield United States Courthouse
Room 1527
1000 Southwest Third Avenue
Portland, Oregon 97204-2944

Re: United States of America v. City of Portland, Case No. 3:12-cv-02265-SI
Court Order Regarding 2021 Scheduling and Requesting Comments

Dear Judge Simon:

This letter responds to your Honor's Order Regarding 2021 Scheduling and Requesting Comments dated January 12, 2021 (Dkt. #227). The City agrees that the status conference currently scheduled for February 25, 2021, may be rescheduled to a later date. For the reasons explained below, the City respectfully asks this Court to consider resetting that status conference to mid-June 2021, with a virtual conference if in-person appearances still are not advisable by that time. The City also proposes that this Court set a scheduling hearing in early June 2021 to discuss the format of such a virtual or in-person status conference.

In its order, this Court suggested two reasons for rescheduling the status conference: (1) that the Compliance Officer and Community Liaison (COCL) third quarterly report did not find that the City had maintained substantial compliance with sections III and IV of the settlement agreement during that quarter; and (2) the impacts of the COVID-19 pandemic on holding an in-person conference. The City's response focuses on the impacts of the pandemic on both those items.

The City understands the Court's interest in public participation in a status conference. The City is also interested in how substantial compliance should be construed given the exceptional conditions of the last year—which included a global pandemic, large protests lasting over 160 days, and devastating wildfires. In addition, a joint motion from the parties to adopt amendments to the settlement agreement that incorporate the Portland Committee on Community-Engaged Policing (PCCEP) into the agreement is still pending before this Court. The City has an interest in those amendments being adopted so as to provide clarity and legitimization to the role of the PCCEP.

For those reasons, the City proposes resetting the status conference currently scheduled for February 25, 2021, to sometime in mid-June 2021. The City further proposes that the reset conference be held virtually if in-person appearances still are not advisable by that time. The City's positive experience with virtual hearings in courts, City Council meetings, and most

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recently with bargaining with the Portland Police Association (PPA), supports that approach. Indeed, virtual hearings can allow for greater public participation than in-person events. People can more easily appear at a virtual hearing because they do not have to travel to and from a courthouse, and this can make such a hearing more accessible to individuals with disabilities and people who are uncomfortable being in or near a courthouse. Additionally, virtual hearings can be attended by computer and telephone, and people often find it easier to make time during working hours to appear at a hearing if they can do so through electronic means.

For those reasons, the City respectfully requests a new status-conference date in mid-June 2021, with virtual appearances if in-person appearances are not advisable. The City further proposes that this Court set a scheduling hearing in early June 2021, to discuss the format of that reset virtual or in-person status conference.

Thank you for your consideration.

Sincerely,

/s/ Heidi K. Brown

Heidi K. Brown
Chief Deputy City Attorney

HKB/klk